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07 FEB 2006

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

B/O Form PTO-1390

Transmittal Letter to the United States  
Designated/Elected Office (DO/EO/US)  
Concerning a Filing Under 35 USC 371

Attorney's Docket Number

KILI3001/FJD

U.S. Application Number (if-known)

10/536,746

Priority Date Claimed

|                                  |                           |                  |
|----------------------------------|---------------------------|------------------|
| International Application Number | International Filing Date |                  |
| PCT/EP2003/013226                | 25 November 2003          | 27 November 2002 |

Title of Invention

Method for identification of a user, especially for devices of process automation technology

Applicant(s) for DO/EO/US

Markus Kilian, Holger Seguin and Dieter Schmidt

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:

1.  This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3.  This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4.  The U.S. has been elected (Article 31).
5.  A copy of the International Application as filed 35 USC 371(c)(2).
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 USC 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 USC 371(c)(4)). ( Executed  Unexecuted)
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

**Items 11 to 16 below concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A change of power of attorney and/or address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and U.S.C. 1.821 - 1.825.
18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
19.  Priority is claimed for German application no. 102 55 517.6 with a filing date of 27 Nov. 2002.
20.  Other items or information: a copy of the Notification of Missing Requirements

|   |              |  |            |   |              |
|---|--------------|--|------------|---|--------------|
| Application Number (if Known)<br><b>10/536,746</b>  |              | International Application Number<br><b>PCT/EP2003/013226</b>                   |            | Attorney's Docket Number<br><b>KILI3001/FJD</b> |              |
|   |              |  |            | Calculations                                    | PTO USE ONLY |
| 21. The following fees are submitted:<br><input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00<br><input checked="" type="checkbox"/> b) Examination fee ..... \$200.00<br><input checked="" type="checkbox"/> c) Search Fee ..... \$500.00              |              |  |            |   |              |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |  |            | <b>\$1,000.00</b>                               |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof. |              |  |            |   |              |
| Total Sheets  | Extra sheets | Number of each additional 50 or fractions thereof (round up to a whole number) |            | RATE  |              |
| - 100 =   | /50 =        |  |            | x \$250.00                                      |              |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |  |            | \$ 130.00                                       |              |
| CLAIMS  | NUMBER       | NUMBER EXTRA   | RATE       |   |              |
| Total Claims  | 10           | -20 =  | x \$50.00  |   |              |
| Independent Claims  | 3            | -3 =   | x \$200.00 |   |              |
| Multiple Dependent Claims (if applicable)   |              |  |            | + \$360.00                                      |              |
| <b>TOTAL OF ABOVE CALCULATIONS</b>  |              |  |            | <b>\$</b>                                       |              |
| <input type="checkbox"/> Reduction by 1/2 for filing by small entity, if applicable. Small Entity Status is asserted pursuant to 37 CFR 1.27 for this application.  |              |  |            |   |              |
| <b>SUBTOTAL</b>   |              |  |            | <b>\$</b>                                       |              |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            |   |              |
| <b>TOTAL NATIONAL FEE</b>   |              |  |            | <b>\$</b>                                       |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.   |              |  |            |   |              |
| 02/09/2006 MKAYPAGH 00000122 10536746   |              | <b>TOTAL FEES ENCLOSED</b>   |            | <b>\$ 130.00</b>                                |              |
| 01 FC:1617 130.00 0P  |              | Amount to be:  |            | Refunded:                                       |              |
|   |              |  |            | Charged:  |              |

- a.  A check in the amount of \$ 130 to cover the fees is enclosed.
- b.  Please charge my **Deposit Account Number 02-0200** in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**23364**

Customer Number  
Phone: (703) 683-0500

DATE: Feb. 7, 2006

Respectfully submitted,

  
Felix J. D'Ambrosio  
Attorney for Applicant  
Registration Number: 25,721



## UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 07 FEB 2006

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/536,746                  | Markus Kilian         | KILI3001/FJD     |

23364  
 BACON & THOMAS, PLLC  
 625 SLATERS LANE  
 FOURTH FLOOR  
 ALEXANDRIA, VA 22314

Date 12-9-05 Atty FJD  
 Action Due 11-27-05 Reg.  
 Deadline 2-7-06  
 Final Deadline 7-2-06  
 Based on \_\_\_\_\_

INTERNATIONAL APPLICATION NO.

PCT/EP03/13226

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 11/25/2003       | 11/27/2002    |

CONFIRMATION NO. 4713

371 FORMALITIES LETTER



\*OC000000017586597\*

Date Mailed: 12/07/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/27/2005
- Copy of the International Search Report filed on 05/27/2005
- Preliminary Amendments filed on 05/27/2005
- Request for Immediate Examination filed on 05/27/2005
- U.S. Basic National Fees filed on 05/27/2005
- Priority Documents filed on 05/27/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

FREDERICK SMITH

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Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/536,746                  | PCT/EP03/13226                | KILI3001/FJD     |

FORM PCT/DO/EO/905 (371 Formalities Notice)